

Office of the Inspector General, DoD

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Evaluation of Military Criminal Investigative Organization and Law Enforcement Organization Crime Scene Management

EXECUTIVE SUMMARY

The Inspector General, Department of Defense, conducted an evaluation of crime scene management by DoD Military Criminal Investigative Organizations (MCIOs)¹ and DoD Law Enforcement Organizations (LEOs).² Overall, our objective was to determine whether current policies and procedures are adequate to ensure thorough, appropriate, and consistent crime scene management. This research included review of previous evaluations, review of academic and governmental literature, and examination of statutory and regulatory guidance. We followed a three-phase approach to crime scene management,³ beginning with the actions of initial responders through the roles of the forensic collectors and criminal investigators. Our field review included site visits to civilian police agencies, Army and Air Force training centers, and MCIO and LEO headquarters and operational elements. This evaluation was conducted from February 9, 1998, to January 30, 1999.

Our evaluation noted several positive aspects of MCIO/LEO crime scene management. Senior managers emphasize the importance of conducting the essential elements of crime scene processing. The MCIOs and LEOs understand their roles at crime scenes, and effective communication between initial responders, forensic collectors, and investigators exists.

During our analysis we concentrated on three areas: the agreement of Service-specific policy guidance with a "crime scene template" (Appendix B); the agreement of Service-specific

¹ **Military Criminal Investigative Organization (MCIO).** The Military Criminal Investigative Organizations are the U.S. Army Criminal Investigation Command (USACIDC); the Naval Criminal Investigative Service (NCIS), which serves the Navy and the Marine Corps; and the Air Force Office of Special Investigations (AFOSI). The MCIOs are "stovepipe" organizations that report through their own chains of command and are not subordinate to the military commanders at the installations where they are stationed or at which they conduct their investigations.

² **Law Enforcement Organization (LEO).** A military organization that provides uniformed police services for a Military Department. Their primary mission is to enforce laws and regulations, protect property, investigate misdemeanors, and prevent crimes. The LEOs consist of base or post-level personnel who report through the local chain of command to the commander of the military installation of which they are a part.

³ **Crime Scene Management.** The process that law enforcement and investigative agencies use in responding to crime scenes; identifying, preserving, and collecting forensic evidence; and conducting the preliminary investigation of criminal incidents. Crime scene management begins with the initial responder's actions and continues through the investigation conducted at the location of the crime.

crime scene policy with actual procedures; and a closed-case file review. This method of analysis supported the three objectives of this evaluation, which were:

- to determine whether DoD, MCIO, and LEO policies adequately support crime scene management;
- to determine whether the MCIOs and LEOs have established operational procedures consistent with existing policy to ensure their ability to manage crime scenes; and,
- to determine whether the MCIOs and LEOs have adequately implemented their internal procedural requirements for crime scene management.

Command and control⁴ and policy development of the MCIOs and LEOs are based on different operational approaches. The MCIOs are stovepipe organizations that report through a centralized command structure, whereas the LEOs are decentralized and report directly to the local installation commander. This difference requires LEO managers to craft operating procedures to meet the needs of the local environment. We found these procedures to be effective and consistent with our benchmark criteria. The MCIOs perform the major share of forensic collection and investigative activity. The policies, procedures, and execution of crime scene management by the MCIOs were found to meet the benchmark criteria.

Observations made while conducting our closed case review generally validated the MCIOs' adherence to their policies and internal guidance. The project team found that U.S. Army Criminal Investigation Command (USACIDC; also CID) supervisory personnel review cases for compliance and correct omissions at the field level. Our review of the Air Force Office of Special Investigation (AFOSI) revealed some lapses in crime scene processing which may indicate a need for review to ensure internal oversight is functioning properly. The review of Naval Criminal Investigative Service (NCIS) files also showed some processing errors and administrative omissions, likewise suggesting a need for NCIS to review its case management oversight practices. However, these observations did not rise to the level of a recommendation and therefore do not mandate a response.

Each Service elected to respond to the draft report (Part III, Management Comments).

The Army's response outlined concern over the potential liability imposed on the Government by allowing state and local law enforcement agencies to provide technical assistance at military crime scenes. The concern centered on the possible violation of the Anti-Deficiency Act (31 U.S.C. § 1342), which limits the use of volunteers in the federal workplace. Our report noted examples of State and local law enforcement agencies providing crime scene support but

⁴ **Command and Control.** The exercise of authority and direction over assigned and attached persons in the accomplishment of the mission. Command and control functions are performed through an arrangement of personnel, equipment, communications, facilities, and procedures employed by a commander in planning, directing, coordinating, and controlling forces and operations in the accomplishment of the mission.

did not endorse or recommend this practice.⁵ The Army's second comment correctly pointed out that our evaluation focused on crimes against the person and property crimes but did not address fraud and computer-related crimes. The Army recommended that future studies include these areas. We concur.

The Navy response pointed out a policy change within the NCIS. Our draft report stated that Major Case Response Teams (MCRTs) are not mandated. Since the publication of our draft report NCIS has mandated that all of their Field Offices create one or more MCRTs.

The Air Force response described the current structure within AFOSI, which empowers detachment commanders to conduct objective investigations while ensuring that the needs of their customers are met. Their response further outlined the AFOSI policy for reviewing death investigations, the use of Forensic Science Consultants, and improved procedures adopted by the Air Force Special Investigations Academy. The Death Case Review Board's primary purpose is to develop additional leads in order to resolve specific cases. That procedure is being extended to other types of investigations, such as child abuse and arson. The Forensic Science Consultants are trained in the field of forensic science, and their primary role is to ensure that the latest innovations in the forensic sciences are applied to current investigations. The Air Force Special Investigations Academy initiated several steps to enhance their instruction. The omissions and weaknesses emphasized in our review⁶ have been incorporated into the relevant blocks of instruction, and our crime scene template has been added as a required reading assignment.

⁵ The Army's comments are cogent, and the MCIOs, in concert with their legal advisors, should review this practice to ensure statutory compliance.

⁶ The case file numbers, the year in which the investigations occurred, and their specific weaknesses are available for review within the CIPO project files.